



## WORKFORCE INVESTMENT COUNCIL DISTRICT OF COLUMBIA



WIC Policy No.	Subject	Date
2013.009	WIA ELIGIBLE TRAINING PROVIDERS	7/9/2013

**ISSUING ENTITY:**

DC Workforce Investment Council

**SCOPE:**

DC Workforce Investment Council, DC WIA Administrative Entity, One-Stop Operators, and Mandatory Partner Programs

**REFERENCES:**

Title I of the WIA of 1998, as amended (29 U.S.C. 2801 et seq.); WIA Regulations, 20 CFR Part 652 et al, 29 CFR Part 95-97; Office of Management and Budget (OMB) circulars applicable to the entity, such as OMB Circulars A-21, A-87, or A-122; WIA Section 122 and 20 CFR Subpart E, 663.500-663.595

**EFFECTIVE DATE:**

October 1, 2013

**OBJECTIVE:**

The DC Workforce Investment Council (WIC) has primary responsibility for establishing eligibility and performance requirements for training providers who wish to receive WIA-funded individual training accounts (ITAs). This policy establishes the requirements and procedures for initial and subsequent determinations of training provider eligibility, including policies relating to appeals.

**BACKGROUND:**

In general, the Workforce Investment Act (WIA) requires that training services be paid for through vouchers known as individual training accounts (ITAs). In order for a training provider to receive ITA funding in the District, they must be certified as an eligible training provider (ETP), and placed on the District's Eligible Training Provider List (ETPL). Eligible training providers must be used for all adults and dislocated workers training services with the exception of on-the-job training, customized training and cohort-based training (as authorized under federal law and defined by WIC policy).

**PROCESS:**

The Workforce Investment Council will provide the Eligible Training Provider application to interested training providers. Electronic and hard copies of completed applications will be returned to the Workforce Investment Council staff. The Workforce Investment Council will review and certify training providers who meet the requirements. Eligible training providers will be added to the Eligible Training Provider List.

**INITIAL TRAINING PROVIDER ELIGIBILITY:**

- A. **Period of Eligibility.** The initial period of training provider eligibility in the District of Columbia shall be one (1) year.

**B. Institutional Type.** In order to become an eligible training provider in the District of Columbia, an applicant must be one of the following types of institutions:

1. A postsecondary institution eligible under Title IV of the HEA and offering programs leading toward an associate degree, baccalaureate degree or certificate;
2. An apprenticeship program registered with the District's Office of Apprenticeship Information and Training;
3. A secondary school approved by the DC Public School System or the DC Public Charter School Board; or
4. Another public or private provider of a program of training services.

**C. Applications.** Subject to the exceptions in subsection D, an applicant seeking to be certified as an eligible training provider in the District of Columbia must submit an application to the WIC that includes the following information:

1. **Basic Information.** The applicant must provide:
  - a. Name of Education/Training Organization
  - b. Primary Physical Location Address
  - c. Primary Mailing Address
  - d. Name, Email, and Title of Contact Person
  - e. Number of Years and Months of Experience in Education and Training
2. **Training Services Description.** The applicant must describe the proposed training program(s), including:
  - a. A description of the course of training, including curriculum and program length;
  - b. A description of the occupation(s) for which participants will be qualified upon successful completion of training (see Demand Occupations below);
  - c. The degree or industry-recognized credential participants will receive upon successful completion of the program;
  - d. The job search/placement assistance that participants will receive during and after participation in the program, if any; and
  - e. Any additional information that may be requested by the WIC.
3. **Educational Licensing.** The applicant must provide evidence of a current educational license provided through the District Higher Education Licensure Commission, the Maryland Higher Education Commission, or the State Council of Higher Education for Virginia.
4. **Organizational Capacity.** The applicant must demonstrate that it has the organizational, financial and planning systems, and contracts in place to ensure stability in training and education programs.
5. **Training Services Capacity.** The applicant must demonstrate the capacity to offer education and/or training programs including the necessary resources and services to support student attainment of goals.

6. **Industry Engagement.** The applicant must demonstrate that programs that are implemented, operated, and evaluated in cooperation with business, industry and/or labor.
  7. **Facilities and Accessibility.** The applicant must provide a description of training facilities and equipment to be utilized for each program, including evidence that such training facilities and equipment are safe and accessible and provide an environment conducive to student achievement.
  8. **Demand Occupations.** The applicant must demonstrate that training programs are directly aligned with occupations on the District's demand occupation list.
  9. **Student Evaluation and Monitoring.** The applicant must demonstrate that processes in place to assure continuous evaluation, monitoring, and reporting of student performance during programs.
  10. **Data Management.** The applicant must demonstrate the ability to collect and report performance outcome data for all students in a program in the aggregate and all WIA participants specifically.
  11. **Grievance Procedure.** The applicant must describe any internal grievance procedures available to WIA participants. Such grievance procedure will not eliminate or reduce a participant's rights to pursue grievance through a One-Stop Operator.
  12. **Drug Testing Policies.** If the applicant utilizes drug testing as a condition of eligibility or participation in the program, the applicant must describe the policies and processes that will be used for such drug testing.
  13. **Performance Data.** To the extent practicable, for each program, the applicant must submit the following performance data for the most recent twelve (12) month period for which data is available:
    - a. Completion rates for all individuals in the listed program;
    - b. Percentage of all individuals participating in the listed program who obtain unsubsidized employment;
    - c. Wages at placement in employment of all individuals participating in the listed program.
  14. **Cost Data.** For each program, the applicant must provide the costs of the program, including tuition, fees and other costs. The applicant must provide a published catalog or brochure that demonstrates that the costs are consistent with the rates charged to the general public. The applicant must also provide assurances that participants will not be responsible for any program costs beyond those covered by the ITA.
- D. **Exceptions for Certain Institutions.** For applicants who meet the institutional criteria under B.1, B.2, or B.3, the application for initial eligibility shall not require the information described in section C relating to Educational Licensing, Organizational Capacity, Facilities and Accessibility, Student Evaluation and Monitoring, or Performance Data. All other requirements shall apply.

- E. Determinations.** The WIC shall make a determination with respect to an application for initial eligibility within 30 calendar days of receiving a complete application. The WIC shall notify an applicant if an application is determined to be incomplete, and shall keep such application open for a period of 90 calendar days from the date of receipt. If an applicant fails to submit all required information or materials within this 90 day period, the WIC shall deny the application, and the applicant must wait 30 calendar days before resubmitting an application.

### **SUBSEQUENT ELIGIBILITY:**

- A. Application.** Following the initial year of eligibility, any eligible training provider seeking to remain on the ETPL must apply for “subsequent eligibility.” Subsequent eligibility determinations will be made on an annual basis.

Eligible training providers seeking to be determined as eligible for subsequent eligibility must:

1. Submit an application containing each of the elements described under the application for initial eligibility. Institutions who qualify for exceptions under subsection D above shall continue to qualify for such exceptions in submitting an application for subsequent eligibility.
2. Submit a report containing the following data for the preceding program year:
  - a. Completion rates for all individuals in the listed program(s)<sup>1</sup>;
  - b. Percentage of all individuals participating in the listed program(s) who obtain unsubsidized employment
  - c. Wages at placement in employment of all individuals participating in the listed program(s);
  - d. Percentage of WIA participants who completed the listed program(s) and were placed in unsubsidized employment;
  - e. Retention rates six-months after the first day of their employment, of WIA participants who completed the listed program(s) in unsubsidized employment;
  - f. Wages received by WIA participants, who completed the listed program(s), six-months after the first day of employment;
  - g. Where appropriate, the rates of licensure or certification, attainment of academic degrees or equivalents, or attainment of other measures of skills, of the WIA participants who graduated from the listed program(s).
  - h. Costs to participate in the program(s).
3. Have met or exceeded the WIC’s required performance levels to each of the following performance indicators:
  - a. program completion
  - b. entered employment
  - c. employment retention
  - d. employment in an occupation related to training; and

---

<sup>1</sup> The District currently has a waiver from the U.S. Department of Labor allowing for postponement the determination of subsequent eligibility for ETPs. While this waiver is in effect, the District shall not require providers to report performance data for 2.a, 2.b, or 2.c in order to qualify for subsequent eligibility.

- e. average wages.

The WIC shall issue annual performance levels for each of the performance indicators. The levels for entered employment, employment retention, and average wages shall be equal to the corresponding WIA Adult negotiated performance levels for the District for the current program year, plus three percentage points.

A provider's performance with respect to each of the five performance indicators shall be evaluated only for WIA-funded participants.

- B. Programs Exceeding Performance Requirements.** An eligible training provider meeting or exceeding performance levels for each of the performance indicators may be designated by the WIC as eligible to submit reverse referrals to DCAJCS for batch processing, consistent with the procedures established by a one-stop operator under DC WIC Policy No. 2013-008.
- C. Failure to Meet Performance Requirements.** If an eligible training provider fails to meet or exceed performance levels for at least two of the performance indicators, or fails to achieve at least 80 percent of the required performance levels for each of the performance indicators, they will be removed from the District's ETPL, and will be ineligible to apply for the ETPL for a period of one (1) year.

If an eligible training provider has failed to meet required performance levels for one or more of the District's performance indicators but has either a) met or exceeded performance levels for two or more of the performance indicators, or b) achieved at least 80% of the required performance levels for each performance indicator, they shall be placed on probationary status. The WIC may approve an application for subsequent eligibility for an eligible training provider on probationary status for one (1) year if the eligible training provider enters into a performance improvement plan that describes how the provider will meet or exceed performance levels for the subsequent year.

If an eligible training provider on probationary status fails to meet or exceed performance levels for each of the five performance indicators during the subsequent year, they will be removed from the District's ETPL, and will be ineligible to apply for the ETPL for a period of one (1) year.

- D. Determinations.** The WIC shall make a determination with respect to an application for subsequent eligibility within 30 calendar days of receiving a complete application. The WIC shall notify an applicant if an application is determined to be incomplete, and shall keep such application open for a period of 90 calendar days from the date of receipt. If an applicant fails to submit all required information or materials within this 90 day period, the WIC shall deny the application, and the applicant must wait 30 calendar days before resubmitting an application.

### MODIFICATIONS:

- A. Current Programs.** An eligible training provider seeking to make modifications to a program that is currently covered under an approved application for initial or subsequent eligibility shall submit a written request to the WIC describing the proposed modifications and the purpose for such modifications. Upon receipt of the request, the WIC shall approve or disapprove such modifications within ten (10) business days.

- B. Additional Programs.** An eligible training provider seeking to add new programs to an approved application for initial or subsequent eligibility shall submit a written request to the WIC that includes a description of training services to be provided, evidence that the training is directly aligned with a demand occupation in the District, and relevant performance and cost data.

### **PROGRAM OF TRAINING:**

A program of training services is:

- A.** One or more courses or classes that, upon successful completion, leads to a certificate, an associate degree, or baccalaureate degree, or a competency or skill recognized by employers; or
- B.** A training regimen that provides individuals with additional occupational skills or competencies generally recognized by employers.

Identical programs offered in different locations by the same eligible training provider shall be considered as one program if they are all covered by a single educational license.

### **ETPL EXEMPTIONS:**

The following training activities are exempt from utilizing the ETPL process:

- A.** On-the-Job training and customized training programs, as defined by the WIC.
- B.** Cohort-based training programs, as defined by the WIC.

### **DENIAL AND REMOVAL:**

**A. Reasons for Denial of Application for Initial or Subsequent Listing.**

1. The WIC may deny eligibility if the application from a provider is not complete. The WIC shall notify the applicant if an application is determined to be incomplete, and may close the application if the applicant does not furnish required materials or information within 90 calendar days of such notification.
2. The WIC must deny eligibility if an applicant fails to meet the minimum criteria for initial or subsequent listing specified in this procedure. The WIC may, at its discretion, enter into a performance improvement plan with an eligible training provider if it is determined that the eligible training provider has failed or will fail to meet required performance levels for one or more of the District's performance indicators.
3. The WIC must deny eligibility if it is determined that the applicant intentionally supplied inaccurate information. [WIA Section 122(f)(1)].
4. The WIC may deny eligibility to a Provider who has been found to have substantially violated any WIA requirements.

- B. Provider Application Denial.** If the WIC denies a provider's application for listing on the ETPL, the WIC must, within 30 days of receipt of the application, inform the Provider in writing including the reason(s) for the denial and complete information on the appeal process.

**C. Removal of Provider or Program on the ETPL**

1. The WIC may remove a program from the ETPL if an eligible training provider fails to notify the WIC of any program changes including, but not limited to, costs or location of training.

## **#2013-09 WIA Eligible Training Providers**

---

2. The WIC must remove a program from the ETPL at any point at which it is determined that the program does not meet the minimum criteria for initial or subsequent listing specified in this procedure. For example, a program can be removed if its eligibility depended on accreditation, and the accreditation was lost.
3. The WIC may remove a program if, as a result of the subsequent eligibility determination process, the program is found not to have met the minimum levels of performance set by the WIC. The WIC may, at its discretion, enter into a performance improvement plan with an eligible training provider if it is determined that the eligible training provider has failed or will fail to meet required performance levels for one or more of the District's performance indicators.
4. The WIC must remove a program if it is determined that the applicant intentionally supplied inaccurate information.
5. The WIC may remove a program if the ETP is found to have substantially violated any WIA requirements.

### **APPEALS:**

An applicant may appeal to the WIC based on the denial of an applicant's application for initial or subsequent listing on the ETPL or the removal of a program(s) already listed on the ETPL.

- A. A provider wishing to appeal a decision by the WIC must submit an appeal to the WIC within 30 days of the issuance of the denial or removal notice. The appeal must be in writing and include a statement of the desire to appeal, specification of the program in question, the reason(s) for the appeal (i.e. grounds), and the signature of the appropriate Provider official.
- B. Upon receipt of the written appeal, the WIC shall schedule a hearing to be held at the next quarterly meeting of the WIC. Both the appellant and the WIC staff shall have the opportunity to present oral and written testimony under oath; to call and question witnesses; to present oral and written arguments; to request documents relevant to the issues(s), and to be represented.
- C. The WIC will notify appellants of its final decision on an appeal within 30 days of the hearing. This period includes a hearing, if requested by the Provider.

### **PENALTIES**

- A. If the WIC determines that an ETP intentionally supplied inaccurate information for ETPL purposes, the WIC shall terminate the eligibility of the ETP to receive any funds under WIA Section 133(b) for at least two years.
- B. If the WIC determines that an ETP substantially violates any WIA requirement, the State or Local Board working with the state may terminate the eligibility of the ETP to receive any funds for a period of time under WIA Section 133(b) or take other such action as the WIC deems appropriate.

### **RESCISSIONS:**

None

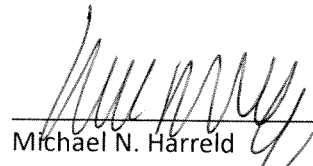
### **CONTACT ENTITY:**

Inquiries regarding this rule should be directed to the Executive Director for the DC Workforce Investment Council.

### **APPROVAL:**

## #2013-09 WIA Eligible Training Providers

---

  
\_\_\_\_\_  
Michael N. Harreld  
Chair, Workforce Investment Council  
Regional President, PNC Financial Services Group